

JOURNAL OF THE HOUSE.

Monday, July 19, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. O'Flaherty of Chelsea in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, in whom we place our personal trust and hope, we depend upon You to assist us in our daily struggle to serve You and the people faithfully and honorably. In our diverse society help us to respect, appreciate and work with all members of our communities in building safe, civil, drug and crime free neighborhoods. Teach us to remain open to new accurate data and information as we daily review our goals and priorities in these changing times. Inspire us to renew our commitments to our religious beliefs and practices as we implement them each day.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. O'Flaherty), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Messages from the Governor — Vetoes.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the certification and eligibility as firefighters in the city of Taunton [see House, No. 4186] (for message, see House, No. 4993) was filed in the Office of the Clerk on Thursday, July 15.

Taunton,
fire fighter
eligibility.

The message was read; and, under House Rule 12, placed in the Orders of the Day for the next session, the question being on passing the bill, notwithstanding the said objections.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Marion to develop and maintain a subsidized housing plan for low and moderate income housing [see House, No. 4631] (for message, see House, No. 4994) was filed in the Office of the Clerk on Friday, July 16.

Marion,
low income
housing.

The message was read; and, under House Rule 12, placed in the Orders of the Day for the next session, the question being on passing the bill, notwithstanding the said objections.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to certain court fees [see House, No. 4915] (for message, see House, No. 4995) was filed in the Office of the Clerk on Friday, July 16.

Court
fees.

The message was read; and, under House Rule 30, referred, to the committee on Ways and Means.

Superior
Court,
fees.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the fees of certain superior court cases [see House, No. 4916] (for message, see House, No. 4996) was filed in the Office of the Clerk on Friday, July 16.

The message was read; and, under House Rule 30, referred, to the committee on Ways and Means.

Messages from the Governor.

Boxborough,
validate
actions.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating actions taken at the 2004 annual election in the town of Boxborough (House, No. 4997) was filed in the office of the Clerk on Thursday, July 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Rockland
sewer
commission.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the Rockland sewer commission to enter into a contract for the disposal of sewage and the Abington/Rockland joint water works to enter into a contract for the supply of water (House, No. 4998) was filed in the office of the Clerk on Thursday, July 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Communications.

Communications

License
fees.

From the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to proposed changes in fees for licenses, permits and services to be charged by certain state agencies;

Simulcasting
contracts.

From Plainridge Racecourse (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Actuarial
valuation
report.

From the Public Employee Retirement Administration Commission (PERAC) submitting a copy of the Actuarial valuation report of the State Employees' Retirement System for the period ending January 1, 2004; and

Expenditure
and payroll
reports.

From the Executive Office of Transportation and Construction (under the provisions of item 6000-0100 of Section 2 of Chapter 26 of the Acts of 2003) submitting copies of several quarterly and special reports, including STIP funding, Chapter 90 PWED funds, and certain payroll reports (received on Monday, July 19);

Severally placed on file.

Annual and Special Reports.

The annual report of the Public Employee Retirement Administration Commission (PERAC) (under paragraph (a) of Subsection 6 of Section 21 of Chapter 32 of the General Laws) for the calendar year 2003; and

PERAC.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for January, 2004; and

Unemployment
Trust Fund.

A quarterly report of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention Center and Exhibition Center entered by said authority;

Convention
Center
Authority.

Severally were placed on file.

Resolutions.

Resolutions (filed with the Clerk by Mrs. Paulsen of Belmont) congratulating Catherine Chin on receiving the Gold Award of the Girl Scouts of America, were referred, under Rule 85, to the committee on Rules.

Catherine
Chin.

Mr. Petrolati of Ludlow, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Walsh of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Rodrigues of Westport presented a petition (accompanied by bill, House, No. 5003) of Michael J. Rodrigues and Joan M. Menard (by vote of the town) for legislation to authorize the conservation commission of the town of Westport to transfer certain conservation land to the board of selectmen of said town; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Westport,
conservation
land.

Mr. Falzone of Saugus presented a petition (subject to Joint Rule 12) of Mark V. Falzone relative to authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in the town of Saugus to Thomas G. Kennedy; and the same was referred, under Rule 24, to the committee on Rules.

Saugus,
Thomas G.
Kennedy.

Papers from the Senate.

The House Bill authorizing a public waterfront walkway to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston (House, No. 3857) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2455; and inserting before the enacting clause the following emergency preamble:—

Charlestown
Navy Yard,
waterfront
walkway.

Charlestown
Navy Yard,
waterfront
walkway.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to exempt a public waterfront walkway and a marina connected to it from the harbor line in the Charlestown Navy Yard in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and

By striking out the title and inserting in place thereof the following title: "An Act authorizing a public walkway and a connected marina to be exempted from the harbor line in the Charlestown Navy Yard in the city of Boston."

Under suspension of Rule 35, on motion of Mr. Walsh of Boston, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and the bill was returned to that branch endorsed accordingly.

Group 4,
definition.

A Bill relative to defining employees classified in Group 4 (Senate, No. 2240, changed in section 1 by inserting after the word "court officer II" in line 7, the words "associate court officer"; and amended by inserting after the enacting clause the following section:

"SECTION 1. Section 3 of chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the words 'University of Massachusetts police', in line 233."; and by adding at the end thereof the following section:

"SECTION 3. Said section 3 of said chapter 32, as so appearing, is hereby further amended by inserting after the word 'facilities', in line 298 the following words:— police officers of the University of Massachusetts.") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

New area
codes.

Protecting consumers against additional charges resulting from new area codes (Senate, No. 446) (on a petition);

Lincoln,
elderly
property
tax.

Authorizing the town of Lincoln to regulate certain property tax exemption eligibility requirements for the elderly (Senate, No. 2018) (on a petition) [Local Approval Received];

Randolph,
town
charter.

Authorizing the town of Randolph to establish a town charter (Senate, No. 2393) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rowley,
conservation
land.

A petition (accompanied by bill, Senate, No. 2446) of Bruce E. Tarr and Harriett L. Stanley (by vote of the town) for legislation to authorize the town of Rowley to change the use, the care, custody and control of a portion of town conservation land, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Reports of Committees.

Warrantless
arrests.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consid-

eration of the Bill authorizing the warrantless arrest for reckless or negligent vehicular homicide and reckless or negligent operation (Senate, No. 2286, amended),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Demakis of Boston, for the committee on Housing and Urban Development, on House No. 4592, reports, in part, a Bill authorizing water sub-metering in residential tenancies (House, No. 5001).

Water
sub-metering.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on a petition, a Bill relative to the issuance of pension funding bonds by the city of Quincy (printed as Senate, No. 2007) [Local Approval Received].

Quincy.

By the same member, for the same committee, on a petition, a Bill relative to the issuance of pension funding bonds by the city of Taunton (printed as Senate, No. 2052) [Local Approval Received].

Taunton.

By the same member, for the same committee, on a petition, a Bill relative to the issuance of pension funding bonds by the city of Brockton (House, No. 3855) [Local Approval Received].

Brockton.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on the residue of House, No. 4825, a Bill relative to the moose population in the Commonwealth (House, No. 4986).

Moose.

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 4829, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Holden (House, No. 4987).

Holden.

By the same member, for the same committee, on House, No. 4894, a Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to the Shrewsbury Housing Authority (House, No. 4988).

Shrewsbury
Housing
Authority.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on a recommitted petition, a Bill changing the name of the corporation for business, work and learning (House, No. 3737).

Commonwealth
corporation.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on House No. 4592, reports, in part, a Bill to provide tenant participation in housing authorities (House, No. 5002).

Housing
authorities.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a recommitted petition, a Bill relative to the practice of law (House, No. 180).

Corporations.

By the same member, for the same committee, on a recommitted petition, a Bill making social workers subject to the malpractice tribunal (House, No. 731, changed in lines 4 and 5 by striking out the following: "certified social worker, independent clinical social worker," and inserting in place thereof the following: "social worker,").

Social
workers.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill amending certain provisions of the city charter of the city of Lawrence (House, No. 4886) [Local Approval Received].

Lawrence.

Somerville.	By Mr. Toomey of Cambridge, for the committee on Public Safety, on House, No. 2660, a Bill relative to public safety in the city of Somerville (House, No. 4989) [Local Approval Received].
Boxborough.	By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to residency in Boxborough (House, No. 4721) [Local Approval Received].
Canton.	By the same member, for the same committee, on a petition, a Bill relative to the appointment of retired police officers in the town of Canton (House, No. 4858) [Local Approval Received].
Franklin.	By the same member, for the same committee, on a petition, a Bill authorizing the town of Franklin to establish a post employment health insurance trust fund (House, No. 4890) [Local Approval Received].
Braintree Historical Society.	By Mr. Hall of Westford, for the committee on State Administration, on House, No. 4947, a Bill authorizing the town of Braintree to convey land comprising the former Watson Park branch library from the town of Braintree to the Braintree Historical Society (House, No. 4990) [Local Approval Received].
Berkshire County.	By Mr. Casey of Winchester, for the committee on Taxation, on a recommitted petition, a Bill increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 3749).
Sharon.	By the same member, for the same committee, on a petition, a Bill relative to tax deferral agreements in the town of Sharon (House, No. 4849) [Local Approval Received].
	Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.
	By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:
Charities.	Senate bills
	Protecting charities and other organizations from identity theft (Senate, No. 159);
Elderly.	Relative to crimes against elders and persons with disabilities (Senate, No. 1083, amended);
Acton.	Authorizing the Board of Selectmen of Acton to lease a certain parcel of land (Senate, No. 1981, amended) [Local Approval Received];
Quincy.	Authorizing the city of Quincy to establish senior citizen safety zones (Senate, No. 2216); and
Harvard.	Relative to the Still River Village Wastewater Management District in the town of Harvard (Senate, No. 2339) [Local Approval Received]; and
	House bills
Concord.	Relative to the residency requirement of the town manager of the town of Concord (House, No. 4475) [Local Approval Received].;
Salem.	Relative to the Salem Retirement Board (House, No. 4689);
Lowell.	Authorizing the city of Lowell to grant a certain easement (House, No. 4720) [Local Approval Received];
Edgartown.	Relative to certain conservation restrictions in the town of Edgartown (House, No. 4762) [Local Approval Received];

	Relative to certain conservation land in the town of Falmouth (House, No. 4763) [Local Approval Received];	Falmouth.
	Relative to the finance committee of the town of Lancaster (House, No. 4773) [Local Approval Received];	Lancaster.
	Establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4776) [Local Approval Received];	Wellfleet.
	Relative to the historic district commission of the town of Provincetown (House, No. 4780) [Local Approval Received];	Provincetown.
	Relative to the board of assessors of the town of Provincetown (House, No. 4781) [Local Approval Received];	It
	Authorizing the town of North Andover to grant certain utility easements (House, No. 4788) [Local Approval Received];	North Andover.
	Authorizing the town of North Andover to grant a certain utility easement (House, No. 4789) [Local Approval Received]; and	It
	Authorizing the town of Plymouth Airport Commission to lease certain parcels of land (House, No. 4820) [Local Approval Received];	Plymouth Airport.
	Severally placed in the Orders of the Day for the next sitting for a second reading.	
	By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill protecting the Nashua River Basin (Senate, No. 2347) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.	Nashua River.
	Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.	
	By Mr. Mariano of Quincy, for the committee on Insurance, on a recommitted petition, a Bill relative to assignment of health insurance benefits (House, No. 4649).	Health Insurance.
	By Mr. Hall of Westford, for the committee on State Administration, on House, No. 4848, a Bill authorizing the city of Chicopee to convey certain park land located in the city of Chicopee (House, No. 4992) [Representative Jehlen of Somerville dissenting].	Chicopee.
	By Mr. Rogers of Norwood, for the committee on Ways and Means, on Senate, No. 2402, reports, in part, a Bill relative to the disposition of easements or other interests in land in Uxbridge under the care and control of the Department of Conservation and Recreation (House, No. 4991).	Uxbridge.
	Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.	
	Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.	
	<i>Engrossed Bills.</i>	
	The engrossed Bill relative to the Board of Education (see House, No. 4903) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment),	Bill re-enacted.

in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills
enacted.

Establishing a sick leave bank for Carole M. Lee, an employee of the Department of Social Services (see Senate, No. 2230) (which originated in the Senate); and

Relative to School Building Assistance (see House, No. 4978) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

ri

Authorizing the city of Salem to grant 2 additional licenses for the sale of wines and malt beverages (see House, No. 4897); and

Authorizing certain borrowing by the town of Tewksbury (see House, No. 4965);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Automobile
insurance
rates.

The House Bill further regulating the setting of private passenger automobile insurance rates (House, No. 4675), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Mariano of Quincy moved that it be amended in section 2, in line 3, and also in line 15, by striking out the year "2005" and inserting in place thereof, in each instance, the year "2007"; and in line 13, and also in line 15, by striking out the year "2004" and inserting in place thereof, in each instance, the year "2006".

The amendments were adopted; and the bill (House, No. 4675, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Weston,
community
preservation
fund.

The House Bill authorizing the town of Weston to appropriate money from the community preservation fund (printed in House, No. 4687) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Peisch of Wellesley moved that it be amended by substitution of a bill with the same title (House, No. 4999), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At four minutes after twelve o'clock noon, the Chair (Mr. O'Flaherty of Chelsea) declared a recess until half past twelve o'clock; and at ten minutes before one o'clock the House was called to order with Mr. O'Flaherty in the Chair. Recess.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at one o'clock P.M. Next
sitting.

At six minutes before one o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. O'Flaherty of Chelsea being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M.